

UNITED STATES DISTRICT COURT

MAR 17 2016

for the
District of New MexicoMATTHEW J. DYKMAN
CLERK

In the Matter of the Search of
*(Briefly describe the property to be searched
 or identify the person by name and address)*
 \$99,965.00 in U.S. currency contained in
 Animas Credit Union Account Number 1004228-25

Case No.

16mr 222

APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property *(identify the person or describe the property to be searched and give its location)*:

Animas Credit Union, 2101 E 20th Street, Farmington, NM 87401
 Bartlett & Lafferton, LLC, Account Number 1004228-25

located in the _____ District of _____ New Mexico _____, there is now concealed *(identify the person or describe the property to be seized)*:

\$99,965.00 USD from account 1004228-25 in the form of a cashier's check made out to "U.S. Marshals Service".

The basis for the search under Fed. R. Crim. P. 41(c) is *(check one or more)*:

- ☒ evidence of a crime;
☒ contraband, fruits of crime, or other items illegally possessed;
☐ property designed for use, intended for use, or used in committing a crime;
☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

Code Section
 18 U.S.C. 1343 (a)(7)

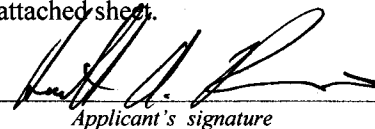
Wire Fraud

Offense Description

The application is based on these facts:

See Affidavit, attached hereto and incorporated herein.

- ☒ Continued on the attached sheet.
☐ Delayed notice of _____ days (give exact ending date if more than 30 days: _____) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.



Applicant's signature

Heath A. Parvis, Special Agent, FBI

Printed name and title

Sworn to before me and signed in my presence.

Date:

March 17, 2016

City and state:

Albuquerque, NM



Judge's signature

KAREN B. MOLZEN
U.S. MAGISTRATE JUDGE

Printed name and title

I, Heath A. Parvis, Special Agent of the Albuquerque Division of the Federal Bureau of Investigation (FBI), having been duly sworn, state:

I am a Special Agent of the Federal Bureau of Investigation (FBI) and have been employed in this capacity for six months. Prior to that employment, I was employed as a Tax Fraud Investigative Assistant with the Internal Revenue Service: Criminal Investigations (IRS:CI) for two years and nine months. I am currently assigned to the Albuquerque Division of the FBI, Cyber Squad, and have primary investigative responsibility for cyber crimes. Throughout my career as a Special Agent with the FBI and IRS:CI, I have assisted in multiple large scale, complex investigations involving financial and tax crimes. I have also completed multiple Master's courses in Information Technology and Security at Lewis University, Romeoville, IL.

I am familiar with the investigation described below. I have probable cause to believe that the property which is the subject of this affidavit is property which constitutes or is derived from, proceeds traceable to a violation of federal laws, to wit, 18 U.S.C. § 1343 Wire Fraud, and is therefore forfeitable to the United States Government under Title 18, United States Code, Section 981(a)(1)(A) and 981(a)(1)(C).

I make this affidavit in support of an Application for a Seizure Warrant relative to the following:

FUNDS NOT TO EXCEED \$99,965.00 CONTAINED IN ACCOUNT NUMBER 1004228-25 IN THE NAME OF BARTLETT & LAFFERTON, LLC, A BUSINESS ACCOUNT MAINTAINED AT ANIMAS CREDIT UNION, IN FARMINGTON, NEW MEXICO.

Summary

This investigation was initiated after FBI Albuquerque received a complaint alleging that victim Astrid Bohe (Bohe) was defrauded out of approximately \$355,000, which was fraudulently stolen from her. Bohe resides in Germany and was in the process of purchasing property in Florida. Bohe was utilizing the services of Richard J O'Hare (O'Hare), PA to facilitate the property purchase transaction. O'Hare's email with wiring instructions for closing was "spoofed". Bohe received fraudulent wiring instructions, as if coming from O'Hare's email account, which resulted in Bohe wiring money to Animas Credit Union, Bartlett and Lafferton, LLC account in Farmington, New Mexico. Monies received in the Bartlett and Lafferton, LLC account were then wired out to other accounts worldwide. A failed wire to Malaysia resulted in funds returning to the Bartlett and Lafferton, LLC account. Details outlining the scheme follow below.

Background

In December 2015, Bohe approved the wire transfer of approximately \$50,000 from her bank in Germany to a U.S. bank account, for the purposes of a down payment on the property purchase. The wire transfer was sent via two separate transactions; one on approximately December 22, 2015, in the amount of \$9,968.00 and another on approximately December 29, 2015, in the amount of \$38,968.00. These two wire transfers were made per the instructions of O'Hare. There were no issues or problems with these two transactions.

In early January 2016, Bohe then received an email from O'Hare which provided instructions to wire transfer the remainder of the monies required for closing. On approximately January 07, 2016, Bohe received an email from O'Hare instructing her to wire the remainder of funds needed for closing and the email provided wiring instructions, which Bohe followed, resulting in a wire transfer from Bohe's bank account on approximately January 14, 2016, for approximately \$204,615.75, and a wire transfer on approximately January 15, 2016, for approximately \$150,936.00. The email from O'Hare is suspected to have been a fraudulent email, which was "spoofed" to appear as an email from O'Hare, but was actually from a different email address, believed to be used by an unknown subject to facilitate the wire fraud of Bohe's funds. Due to the instruction provided in the "spoofed" email account, both of these wire transfers were sent to an account not actually intended by Bohe or O'Hare.

After the fraud was discovered, O'Hare and Bohe determined the monies from Bohe's account were sent to an account in the name of Bartlett and Lafferton, LLC at the Animas Credit Union in Farmington, New Mexico. A Federal Grand Jury Subpoena was served to the Animas Credit Union, asking for all customer and transactional information for the Bartlett and Lafferton, LLC account, as well as personal account information for Debra Lafferton (Lafferton). The Animas Credit Union provided the subpoenaed information to FBI Albuquerque. A review of the Bartlett and Lafferton, LLC account shows that the Free Business Checking account 1004228-25 was opened December 30, 2015 with an opening balance of \$50.00. Records identified the receipt of two wires from "Astrid Bohe", one for \$204,615.75 received on January 14, 2016 and the other for \$150,936.00 received on January 15, 2016. These two wire deposits were the only deposits into account 1004228-25 in January 2016, apart from a business check refund of \$13.55 on January 14, 2016. Subsequently, there were five large wire transfers sent to four different banks from the Bartlett and Lafferton, LLC account shortly after the money was received in the account.

Based on further review of subpoenaed Animas Credit Union records, Lafferton sent an international wire transfer in the amount of \$100,000.00 USD to Alliance Bank in Malaysia. The wire transfer was sent from the Bartlett and Lafferton, LLC Animas Credit Union business account. The recipient of the wire transfer was listed as Dkay & Q Productions bank account at the Ampang Point Branch of Alliance Bank located at Ground Mezzanine Floor 65 Hakab Nanabda 9, Ampang Point Taman Dato Ahmad Razali 68000, account number 122110010012405.

On February 26, 2016, an interview with Lafferton was conducted. Lafferton stated that when she tried to send the \$100,000.00 wire transfer to Alliance Bank in Malaysia, Lafferton was told by Animas Credit Union that the wire transfer could not just be sent to Dkay & Q Productions and that the transfer had to have an actual person's name on it. Lafferton was also told that wire transfers to Malaysia require either a "designation code" or "reason code."

Lafferton put in a request to have the money sent back to Animas Credit Union. On February 03, 2016, the \$100,000.00 that had been sent to the bank in Malaysia was returned to the Animas Credit Union minus a \$35.00 USD processing fee.

On February 01, 2016, Lafferton sent a written and signed request to have her account frozen. LAFFERTON wrote and faxed the written request which read:

"To whom it may concern & Judy @ Animas Bank. Please freeze the account Bartlett & Lafferton LLC. Freeze all account activity, please allow return of the \$100,000.00 wire transfer, then freeze the account again. Account #1004228-25 savings and checking."

On March 10, 2016, Special Agent (SA) Rudolph D. Baca (Baca) conducted a telephonic interview of Cathy Hallock (Hallock), VP Operations, Animas Credit Union (ACU), 2101 E. 20th Street, Farmington, NM 87401, at telephone #: 505-566-9833. Hallock stated there was a wire which was sent on January 14, 2016 to an account at Alliance Bank in Malaysia from the Bartlett and Lafferton, LLC account 1004228-25. The amount of the wire transfer was \$100,000.00. On February 03, 2016, Alliance Bank returned \$99,965.00 (less \$35.00 processing fee) to the Bartlett and Lafferton, LLC account. The reason for the return was due to an improper processing code, which prevented the transaction from being initially completed. Hallock advised that as of March 10, 2016, there was \$99,965.00 still in the Bartlett and Lafferton, LLC account.

Conclusion

Based on the foregoing facts set forth herein, I submit there is probable cause to believe that Lafferton was used as middle man as part of a scheme to direct ill gotten gains to various bank accounts resulting in violations of 18 U.S.C. § 1343 Wire Fraud

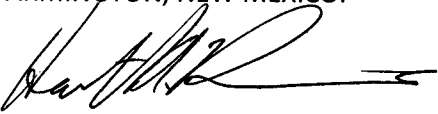
Based upon the facts set forth herein, I submit that there is probable cause to believe that the following property:

FUNDS NOT TO EXCEED \$99,965.00 CONTAINED IN ACCOUNT NUMBER 1004228-25 IN THE NAME OF BARTLETT & LAFFERTON, LLC, A BUSINESS ACCOUNT MAINTAINED AT ANIMAS CREDIT UNION, IN FARMINGTON, NEW MEXICO,

which are the subject of this Affidavit, are proceeds traceable to a violation of federal laws to wit: 18 U.S.C. § 1343 Wire Fraud, and is therefore forfeitable to the United States Government under Title 18, United States Code, Section 981(a)(1)(A) and 981(a)(1)(C).

IT IS HEREBY REQUESTED that your affiant or another Special Agent of the FBI be authorized to seize the defendant property, namely

FUNDS NOT TO EXCEED \$99,965.00 CONTAINED IN ACCOUNT NUMBER 1004228-25 IN THE NAME OF BARTLETT & LAFFERTON, LLC, A BUSINESS ACCOUNT MAINTAINED AT ANIMAS CREDIT UNION, IN FARMINGTON, NEW MEXICO.



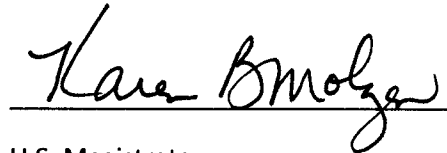
Heath A. Parvis

Special Agent

Federal Bureau of Investigation

Albuquerque, NM

Subscribed and sworn to before me this 17th day of March, 2016



U.S. Magistrate

District of New Mexico